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10/605,886	11/04/2003	Ronald J. DeHaas	28749.00003	2885
35161 7590 02/23/2009 DICKINSON WRIGHT PLLC 1875 Eye Street, NW Suite 1200 WASHINGTON, DC 20006				
EXAMINER NGUYEN, DUSTIN				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/605,886

Applicant(s)

DEHAAS ET AL.

Examiner

DUSTIN NGUYEN

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1 – 40 are presented for examination.

Response to Appeal Brief

2. In view of the Appeal Brief filed on 11/07/2008, PROSECUTION IS HEREBY REOPENED. A Non-final Office Action is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

Rejection I

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-20, 29-35 and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Onoe et al. [US Patent No 5,951,642].

5. As per claim 1, Onoe discloses the invention as claimed including a system for monitoring Internet use of a selected user [i.e. system for collecting detailed internet information on the basis of the condition of activities of information viewers viewing information of service providers] [Abstract], comprising:

a remote server [i.e. server of an information collector] [3, Figure 1; and col 6, lines 7-20];

a computer communicatively connected to said remote server [i.e. information viewer client] [2, Figure 2; and col 6, lines 1-20] having a monitoring program voluntarily installed thereon by the computer user [i.e. information collection client program has been installed and activated for an information viewer to view an information provider] [201, Figure 2; col 1, lines 15-21; and col 6, lines 42-57], said monitoring program configured to monitor Internet access activity of the computer user and record said Internet access activity within said remote server [i.e. program collects the information of the information viewer and transmits the viewing information to the data base of the information collector's server 3] [203-205, Figure 2; Figure 8; col 7, lines 6-19; and col 10, lines 53-59]; and

wherein said Internet access activity includes access to at least one Internet protocol from a group consisting of network news transfer protocols, file sharing programs, file transfer protocols, chat room access, peer to peer chats, and electronic mail activity [i.e. WWW site, electronic mail, mailing list, netnews] [Figure 9; col 1, lines 18-21; and col 3, lines 1-14 and lines 57-67].

6. As per claim 2, Onoe discloses wherein said remote server includes a processing program, said processing program configured to analyze said recorded Internet access activity and generate a report of said Internet access activity [i.e. analyze] [Figure 7; and col 8, lines 67-col 9, lines 9].

7. As per claim 3, Onoe discloses wherein said report includes a list of said recorded Internet access activity and a score assigned to each said recorded Internet access activity [i.e. time and frequency] [Figures 4a, 4b, 10a, 10b; and col 7, lines 55-62].

8. As per claim 4, Onoe discloses wherein said report is accessible by a third party recipient [i.e. information processing agent statistically processes the collected information and statistically processed data is put into chart form and provided to the information provider] [208-210, Figure 2; and col 8, lines 1-65].

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9. As per claim 5, Onoe discloses wherein said report displays said list of said recorded Internet access activity sorted by said score [i.e. ranking] [Figures 4a, 4b, 10a, 10b; and col 7, lines 55-62].
10. As per claim 6, Onoe discloses wherein said report displays said list of said recorded Internet access activity sorted chronologically [Figures 4a, 4b, 10a, 10b; and col 7, lines 55-62].
11. As per claim 7, Onoe discloses wherein said report includes at least one portion and said at least one portion includes at least one link to at least one other portion [col 8, lines 35-65].
12. As per claim 8, Onoe discloses wherein each of said at least one portions contains a list of recorded Internet access activity of one of said Internet protocols [i.e. WWW site, electronic mail, mailing list, netnews] [Figure 9; col 1, lines 18-21; and col 3, lines 1-14 and lines 57-67], and wherein said portions further include a computer link to connect to another portion of said report [i.e. create a report] [col 8, lines 1-65].
13. As per claim 9, Onoe discloses including a first database located within said remote server, and wherein said monitored Internet access activity is stored on said first database [i.e. program collects the information of the information viewer and transmits the viewing information to the data base of the information collector's server 3] [203-205, Figure 2; Figure 8; col 7, lines 6-19; and col 10, lines 53-59].

14. As per claim 10, Onoe discloses wherein said remote server further includes a processing program and a second database, said processing program configured to analyze said recorded Internet access, and transfer said recorded Internet access activity to said second database [i.e. information processing agent statistically processes the collected information and statistically processed data is put into chart form and provided to the information provider] [208-210, Figure 2; and col 8, lines 1-65].

15. As per claims 11 and 12, they are rejected for similar reasons as stated above in claims 2 and 3.

16. As per claim 13, it is rejected for similar reasons as stated above in claim 4.

17. As per claims 14 and 15, they are rejected for similar reasons as stated above in claims 5 and 6.

18. As per claim 16, it is rejected for similar reasons as stated above in claim 7.

19. As per claim 17, it is rejected for similar reasons as stated above in claim 8.

20. As per claims 18 and 19, they are rejected for similar reasons as stated above in claims 1, 9 and 10.

21. As per claim 20, it is rejected for similar reasons as stated above in claims 10 and 13.
22. As per claim 29, it is rejected for similar reasons as stated above in claims 1, 7 and 8.
23. As per claim 30, it is rejected for similar reasons as stated above in claim 4.
24. As per claim 31, Onoe discloses wherein said report further includes a score assigned to each Internet access activity listed [Figures 4a, 4b, 10a, 10b; and col 7, lines 55-62].
25. As per claims 32 and 33, they are rejected for similar reasons as stated above in claims 5 and 6.
26. As per claim 34, it is rejected for similar reasons as stated above in claims 1, 7 and 8.
27. As per claim 35, it is rejected for similar reasons as stated above in claim 4.
28. As per claim 40, it is rejected for similar reasons as stated above in claim 6.

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29. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

30. Claims 21-28 and 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onoe et al. [US Patent No 5,951,642], in view of Linden et. al. [US Patent No 6,912,505].

31. As per claim 21, Onoe does not specifically disclose wherein providing said report includes notifying said third party recipient to access said second database to view said report. Linden discloses wherein providing said report includes notifying said third party recipient to access said second database to view said report [Figures 6, 11 and 12; and col 4, lines 17-34]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Onoe and Linden because the teaching of Linden would provide a method for determining relatedness between products or other viewable items represented within a database, and for using item relatedness data to recommend items to users [Linden, col 1, lines 11-16].

32. As per claim 22, Linden discloses wherein providing said report includes electronically sending said report to said third party recipient at pre-selected time intervals [col 12, lines 60-col 13, lines 2].

33. As per claim 23, Linden discloses the step of: assigning a score to said Internet access activity based on predetermined scoring criteria [i.e. value or metric] [col 11, lines 60-67; and col 17, lines 6-22].
34. As per claim 24, it is rejected for similar reasons as stated above in claim 3.
35. As per claim 25, it is rejected for similar reasons as stated above in claim 5.
36. As per claim 26, Onoe discloses wherein said score includes a numeric score [Figures 4a, 4b, 10a and 10b].
37. As per claim 27, Onoe discloses wherein said score includes a relative score [Figure 7].
38. As per claim 28, it is rejected for similar reasons as stated above in claim 6.
39. As per claims 36 and 37, they are rejected for similar reasons as stated above in claims 21 and 22.
40. As per claim 38, it is rejected for similar reasons as stated above in claim 23.
41. As per claim 39, it is rejected for similar reasons as stated above in claim 5.

Rejection II

Claim Rejections - 35 USC § 103

42. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

43. Claims 1-4, 9-13, 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleming III [US Patent No 6,230,204], in view of Chang et. al. [US Patent Application No 2004/0158630].

44. As per claim 1, Fleming discloses the invention as claimed including a system for monitoring Internet use of a selected user [i.e. monitoring usage of a computer resources, wherein the resource is document or website] [Abstract], comprising:

a remote server [i.e. analyzing computer system] [100, Figure 1];

a computer communicatively connected to said remote server [i.e. monitored computer system] [160-180, Figure 1] having a monitoring program voluntarily installed thereon by the computer user [i.e. load a copy of a monitoring program onto each of the computer systems] [Abstract], said monitoring program configured to monitor Internet access activity of the computer user and record said Internet access activity within said remote server [i.e. the usage information transmitter 246 receives resource usage information and transmits the usage

information to the executing Analyzer component on analyzing computer system 100] [col 7, lines 55-col 8, lines 4].

Fleming does not specifically disclose wherein said Internet access activity includes access to at least one Internet protocol from a group consisting of network news transfer protocols, file sharing programs, file transfer protocols, chat room access, peer to peer chats, and electronic mail activity.

Chang discloses

wherein said Internet access activity includes access to at least one Internet protocol from a group consisting of network news transfer protocols, file sharing programs, file transfer protocols, chat room access, peer to peer chats, and electronic mail activity [i.e. ChatNanny for monitoring online activities in instant messages, chat room, email] [paragraph 0015].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Fleming and Chang because the teaching of Chang would enable to provide a system for monitoring non web-based applications.

45. As per claim 2, Fleming discloses wherein said remote server includes a processing program, said processing program configured to analyze said recorded Internet access activity and generate a report of said Internet access activity [i.e. analyze] [Figure 6; and col 9, lines 55-col 10, lines 21].

46. As per claim 3, Fleming discloses wherein said report includes a list of said recorded Internet access activity and a score assigned to each said recorded Internet access activity [i.e. rate] [Abstract; and col 3, lines 1-5].

47. As per claim 4, Chang discloses wherein said report is accessible by a third party recipient [paragraphs 0009 and 0016].

48. As per claim 9, Fleming discloses including a first database located within said remote server, and wherein said monitored Internet access activity is stored on said first database [100, Figure 1 and Figure 6].

49. As per claim 10, Fleming discloses wherein said remote server further includes a processing program and a second database, said processing program configured to analyze said recorded Internet access, and transfer said recorded Internet access activity to said second database [i.e. rating and make available to other component] [col 5, lines 64-col 6, lines 22; and col 7, lines 55-col 8, lines 4].

50. As per claims 11 and 12, they are rejected for similar reasons as stated above in claims 2 and 3.

51. As per claim 13, it is rejected for similar reasons as stated above in claim 4.

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52. As per claims 18 and 19, they are rejected for similar reasons as stated above in claims 1, 9 and 10.

53. As per claim 20, it is rejected for similar reasons as stated above in claims 10 and 13.

54. As per claim 21, Chang discloses wherein providing said report includes notifying said third party recipient to access said second database to view said report [claim 43].

55. As per claim 22, Chang discloses wherein providing said report includes electronically sending said report to said third party recipient at pre-selected time intervals [claim 43].

56. Claims 5-8, 14-17, 23-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleming III [US Patent No 6,230,204], in view of Chang et. al. [US Patent Application No 2004/0158630], and further in view of Linden et. al. [US Patent No 6,912,505].

57. As per claim 5, Fleming and Chang do not specifically disclose wherein said report displays said list of said recorded Internet access activity sorted by said score. Linden discloses wherein said report displays said list of said recorded Internet access activity sorted by said score [i.e. sorted in order of highest-to-lowest score] [col 13, lines 62-67; and col 23, lines 38-44]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Fleming, Chang and Linden because the teaching of Linden would

provide a method for determining relatedness between products or other viewable items represented within a database, and for using item relatedness data to recommend items to users [Linden, col 1, lines 11-16].

58. As per claim 6, Linden discloses wherein said report displays said list of said recorded Internet access activity sorted chronologically [col 12, lines 40-59; and col 22, lines 47-60].

59. As per claim 7, Linden discloses wherein said report includes at least one portion and said at least one portion includes at least one link to at least one other portion [Figures 6, 11 and 12; and col 29, lines 30-53].

60. As per claim 8, Linden discloses wherein each of said at least one portions contains a list of recorded Internet access activity of one of said Internet protocols, and wherein said portions further include a computer link to connect to another portion of said report [Figures 6, 11 and 12; and col 29, lines 30-53].

61. As per claims 14 and 15, they are rejected for similar reasons as stated above in claims 5 and 6.

62. As per claim 16, it is rejected for similar reasons as stated above in claim 7.

63. As per claim 17, it is rejected for similar reasons as stated above in claim 8.

64. As per claim 23, Linden discloses the step of: assigning a score to said Internet access activity based on predetermined scoring criteria [i.e. value or metric] [col 11, lines 60-67; and col 17, lines 6-22].
65. As per claim 24, it is rejected for similar reasons as stated above in claim 3.
66. As per claim 25, it is rejected for similar reasons as stated above in claim 5.
67. As per claim 26, Fleming discloses wherein said score includes a numeric score [i.e. rate] [Abstract; and col 3, lines 1-5].
68. As per claim 27, Fleming discloses wherein said score includes a relative score [Abstract].
69. As per claim 28, it is rejected for similar reasons as stated above in claim 6.
70. As per claim 29, it is rejected for similar reasons as stated above in claims 1, 7 and 8.
71. As per claim 30, it is rejected for similar reasons as stated above in claim 4.

72. As per claim 31, Fleming discloses wherein said report further includes a score assigned to each Internet access activity listed [i.e. rate] [Abstract; and col 3, lines 1-5].
73. As per claims 32 and 33, they are rejected for similar reasons as stated above in claims 5 and 6.
74. As per claim 34, it is rejected for similar reasons as stated above in claims 1, 7 and 8.
75. As per claim 35, it is rejected for similar reasons as stated above in claim 4.
76. As per claims 36 and 37, they are rejected for similar reasons as stated above in claims 21 and 22.
77. As per claim 38, it is rejected for similar reasons as stated above in claim 23.
78. As per claim 39, it is rejected for similar reasons as stated above in claim 5.
79. As per claim 40, it is rejected for similar reasons as stated above in claim 6.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (571) 272-3971. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached at (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Dustin Nguyen/
Primary Examiner, Art Unit 2454

/Nathan J. Flynn/
Supervisory Patent Examiner, Art Unit 2454